

4 JUN 1976

MEMORANDUM FOR: Chairman
DCI Security Committee

FROM : Robert W. Gambino
CIA Member
DCI Security Committee

SUBJECT : Proposed Director of Central Intelligence
Directive No. 1/XX "Security Policy
Concerning Travel and Assignment of
Personnel with Access to Sensitive
Compartmented Information

1. Reference is made to the 27 May 1976 modification of paragraph 4.a. of subject Directive, and your request for Agency coordination of the modification.

2. In view of the fact that we had already developed a coordinated Agency position previously concerning subject Directive and because of the time urgency attached to your request concerning the proposed modification of paragraph 4.a., we have not staffed this latest change proposal throughout the Agency. Since several iterations of this paper have gone through the coordination cycle, we believe that further internal coordination should await reconciliation of some of the opposing viewpoints being discussed on this issue in the Intelligence Community Staff.

3. To further this reconciliation we began selective review of the latest change proposal, discussing it first with the Office of General Counsel. Advice received from that Office suggests that the use of a warning that travel to the listed countries may result in the withdrawal of special clearances may pose the same legal problem as past sanctions of possible curtailment of employment. In fact, for a Senior Intelligence Officer to "discourage an employee" may be interpreted as equivalent to a prohibition. Such actions in regard to personal unofficial travel can thus involve infringement of an individual's First Amendment rights.

4. The significant question with respect to the withdrawal of clearances is whether unofficial travel to "hazardous areas" in itself can be shown to raise questions about the traveller's loyalty or other security suitability. If this cannot be demonstrated, policy as enunciated in the proposed amendment would be interpreted as arbitrary.

5. Based on the above reasoning, it is recommended that the proposed new paragraph read as follows:


While US citizens are not restricted by US laws from travelling in foreign countries, persons granted authorization for access to certain categories of extremely sensitive information on sources or methods of SCI incur a special obligation and are to be ~~disseminated~~ alerted by the SIO ~~from~~ to the risks associated with their engaging in unofficial visits to, or travel through, the countries listed in Appendix A. The DCI, in consultation with the SIOs will identify the categories having special sensitivity. ~~and the SIO should advise persons with such access that travel in the listed countries may result in the withdrawal of clearance for continued access to SCI.~~

6. We have also noted that the previously coordinated February 1976 draft of the proposed Directive appears to have been modified subsequently to identify the policy it promulgates as "minimum." This descriptor appears in paragraph 1. While we have no objection to individual agencies attempting to impose a more restrictive policy on their own personnel, we do not believe it appropriate to lend the Director's authority to such attempts. We therefore feel that the policy promulgated in the proposed DCID not be identified as a "minimum."

Robert W. Gambino

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